

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 15, 2016

Senate Concurrent Resolution

No. 144

**Introduced by Senator Gaines
(Coauthors: Senators Bates and Huff)**

May 17, 2016

Senate Concurrent Resolution No. 144—Relative to Fireworks Safety Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 144, as amended, Gaines. Fireworks Safety Month.

This measure would designate June 21, 2016, through July 21, 2016, as Fireworks Safety Month and would urge the Department of Forestry and Fire Protection and local fire protection agencies to educate the public about safe and responsible use of fireworks that have been approved as “safe and sane” and about the high fines for using or selling illegal fireworks.

Fiscal committee: yes.

- 1 WHEREAS, Many Californians and visitors to our state will
2 use fireworks to celebrate our nation’s independence on the Fourth
3 of July; and
4 WHEREAS, At least 10 people died in 2014 as a result of
5 fireworks-related injuries either through direct contact with
6 fireworks or in house fires started by fireworks; and
7 WHEREAS, Children younger than 15 years of age accounted
8 for approximately 35 percent of fireworks-related injuries,
9 including 1,400 injuries caused by sparklers, 1,400 injuries caused

1 by firecrackers, and 100 injuries caused by bottle rockets overall;
2 and

3 WHEREAS, The parts of the body most often injured were *the*
4 hands, fingers, eyes, legs, ~~the~~ face, and head, ~~which~~ *and these*
5 *injuries* potentially ~~results~~ *result* in lifelong disabilities for those
6 injured; and

7 WHEREAS, Bodily injury is not the only damage that can occur
8 from improper use of fireworks. The Department of Forestry and
9 Fire Protection (CalFire) has stated that improper use of fireworks
10 has caused or contributed to wildfires throughout the state; and

11 WHEREAS, Despite the fact that local jurisdictions have
12 dedicated enforcement efforts and that the Office of the State Fire
13 Marshal has statewide safety and education efforts, both of which
14 have contributed to a reduction in the number of fireworks-related
15 incidents, illegal fireworks still remain “Public Enemy No. 1 for
16 the Fire Service”; and

17 WHEREAS, Law enforcement agencies and fire departments
18 are using every tool at their disposal to cut off the supply of illegal
19 fireworks and stop this illegal activity in its tracks. All Californians
20 can help their local and state public safety agencies by only using
21 “safe and sane fireworks” in the jurisdictions where they are
22 permitted to be sold and used, and by reporting any illegal activity
23 that they see; and

24 WHEREAS, The dynamics of the illegal fireworks problem in
25 California have changed dramatically over the last 15 to 20 years.
26 While 20 years ago, the primary focus of public safety agencies
27 was illegal bottle rockets and firecrackers, today the use of these
28 items is dwarfed by the heavy importation and use of aerial shells
29 rivaling or surpassing those used at sanctioned public fireworks
30 displays; and

31 WHEREAS, It takes a massive coordinated effort between state,
32 federal, and local agencies to stop the supply of these illegal items
33 coming across our state’s borders and to provide the means for
34 public safety agencies to stop the illegal product and confiscate
35 the illegal product from the casual user, and, more importantly, to
36 stop, arrest, and prosecute those who are engaged in the felony
37 possession, use, or sale of these dangerous, illegal fireworks; and

38 WHEREAS, California law allows each city or county to
39 determine whether it will permit “safe and sane fireworks” to be
40 sold or used in its jurisdiction. California law states that these “safe

1 and sane fireworks” may be sold only between June 28 and July
2 6 of each year; and

3 WHEREAS, CalFire has urged all people in California to join
4 sanctioned public fireworks displays to celebrate the Fourth of
5 July; and

6 WHEREAS, Users of illegal fireworks can cause severe damage
7 and significant injuries at a time of year when we should all be
8 celebrating this special occasion, not engaging in destructive,
9 criminal behavior; and

10 WHEREAS, CalFire has stated that in order for consumer
11 fireworks to be used by the public, the firework item must be
12 included on the State Fire Marshal’s “safe and sane” list and must
13 also be authorized by the city, county, or fire district in the location
14 where the fireworks will be used; and

15 WHEREAS, As a result of Senate Bill 839 of 2007, which took
16 effect on January 1, 2008, possession of up to 25 pounds gross
17 weight of illegal fireworks may be subject to a minimum penalty
18 of \$500, and up to a penalty of \$1,000 and imprisonment in a
19 county jail for one year; and

20 WHEREAS, Modification of any fireworks to create an
21 explosive device can result in much more severe criminal penalties,
22 including fines of up to \$50,000 and imprisonment; now, therefore,
23 be it

24 *Resolved by the Senate of the State of California, the Assembly*
25 *thereof concurring*, That the Legislature designates June 21, 2016,
26 through July 21, 2016, as Fireworks Safety Month; and be it further

27 *Resolved*, That the Legislature urges CalFire and local fire
28 protection agencies to educate members of the public about safe
29 and responsible use of fireworks that have been approved as “safe
30 and sane”; and be it further

31 *Resolved*, That the Legislature requests these agencies to advise
32 the public about the high fines for use or sale of illegal fireworks,
33 in addition to the risks of paying for wildfire damage caused by
34 improper or illegal use of fireworks; and be it further

35 *Resolved*, That the Secretary of the Senate transmit copies of
36 this resolution to the author for appropriate distribution.

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